

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 15, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Dale Berry (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Mike Sprague, Vice Chairman (R)
Sen. Sam Kitzenberg (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 383, 2/14/2001; SB 305,
2/14/2001; SB 311, 2/14/2001;
SB 402, 2/14/2001
Executive Action: SB 305; SB 311; SB 383; SB
357; SB 373

HEARING ON SB 383

Sponsor: SENATOR BILL GLASER, SD 08, HUNTLEY

Proponents: Keith Allen, IBEW Local 233
Todd Stoddard, Electrical Contractor from Dillon
Joe McMillan, Electrical Contractor from Helena
Bob Pavlovich, IBEW Local 233
Don Judge, AFL-CIO
Jim Wolfe, Polar Electric, Helena
Scott Lindsay, Action Electric

Opponents: None

Informational Witness: Bill Jellison, Department of Commerce

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.7}

SENATOR BILL GLASER, SD 08, HUNTLEY, said this bill deals with electrical wiring in commercial buildings. For safety reasons and flexibility reasons Romex cable would not be used any more, metal clad or plastic would be used rather than Romex, which could be easily damaged.

Proponents' Testimony:

Keith Allen, IBEW Local 233, said that when the building is first wired in Romex and then you remodel you have to go in and rewire it all in metal clad conduit.

Todd Stoddard, Electrical Contractor from Dillon, said it would be in the best interest of Montana to pass this bill.

Joe McMillan, Electrical Contractor from Helena, said he supports this bill.

Bob Pavlovich, IBEW Local 233, said they support this bill, and it is good for public safety.

Don Judge, AFL-CIO, said he is in favor of the bill, and it doesn't cost anything.

Jim Wolfe, Polar Electric, said he supports the bill.

Scott Lindsay, Action Electric, said he supports this bill.

Opponents' Testimony: None

Informational Witness: Bill Jellison, Department of Commerce,
made himself available for questions.

Questions from Committee Members and Responses:

SENATOR ED BUTCHER asked what the additional cost to a contractor would be to do this.

SENATOR GLASER said in the short run it costs more money, but in the long run it saves money because of the remodeling and rewiring that needs to happen later.

Todd Stoddard said on average that you may spend as much as 25-30% more for conduit.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 14.7}

SENATOR BILL GLASER, SD 08, HUNTLEY, closed without comment.

HEARING ON SB 305

Sponsor: SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA

Proponents: Julie Beckel, J.R. Daily Company, Missoula
George Wood, MT Self Insurers Association
Riley Johnson, Federation of Independent Business
Nancy Butler, State Fund
Jacqueline Lenmark, American Insurance Association
Aiden Myrhe, Chamber of Commerce
Don Judge, AFL-CIO
Al Smith, Montana Trial Lawyers Association

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 15.6}

SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA, said the concept of this bill is that when a worker is recovering from an injury and there is not an alternative position within the company they work for then if the employer, and the injured employees doctor and the injured employee agree that injured worker can go out and

work somewhere else on an alternative duty position. The original employer will cover Work Comp and the costs. The concept is to allow people to do something while they are healing.

Proponents' Testimony:

Julie Beckel, J.R. Daily Company, Missoula, said they have tried a few things on their own that didn't quite work out. She said this is a win/win situation when the injured worker can keep busy, help with situations such as day care, the library or other things. They get to be in the public, and learn a new skill and feel good about themselves.

George Wood, Montana Self Insurers Association, supports this legislation because it fills a gap. He said that according to current law the injured worker can only work alternative employment at the place they were injured.

Riley Johnson, Federation of Independent Business, said that smaller employers don't have so many jobs, and this would give injured workers an opportunity to work and learn while healing.

Nancy Butler, State Fund, supports this bill for the reasons already articulated.

Jacqueline Lenmark, American Insurance Association, said she supports this bill.

Aiden Myrhe, Chamber of Commerce, said she supports the bill.

Don Judge, AFL-CIO, said he supports the bill. He said he had a concern about a couple sections. He said he wanted to make sure the injured worker agreed to the alternative work.

Al Smith, Montana Trial Lawyers Association, said most injured workers want to return to work, and this would help them do that.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 27}

SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA, said that this is a concept good for everybody.

HEARING ON SB 311

Sponsor: SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA

Proponents: George Wood, Self Insurers Association
Riley Johnson, Federation of Independent Business
Jacqueline Lenmark, American Insurance Association
Nancy Butler, State Fund
Al Smith, Montana Trial Lawyers Association
Don Judge, AFL-CIO

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 0.1}

SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA, said this bill would delete redundant and unclear language from law. She also noted that it will make it more simple for a doctor to respond to Worker's comp forms.

Proponents' Testimony:

George Wood, Self Insurers Association, said he supports this bill as explained.

Riley Johnson, Federation of Independent Businesses, said he supports this bill.

Jacqueline Lenmark, American Insurance Association, said she supports this bill.

Nancy Butler, State Fund, said this is a good clarification of the Occupational Disease Act, and asked the committee to support it.

Al Smith, Montana Trial Lawyers Association, said he supports this bill as it clears up confusion.

Don Judge, AFL-CIO, said he supports this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 3.6}

SENATOR VICKI COCCHIARELLA, SD 32, MISSOULA, closed without comment.

EXECUTIVE ACTION ON SB 305

Motion/Vote: SEN. COCCHIARELLA moved that AMENDMENT TO SB 305 BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. COCCHIARELLA moved that SB 305 DO PASS. Motion carried unanimously.

HEARING ON SB 402

Sponsor: SENATOR DEBBIE SHEA, SD 18, BUTTE

Proponents: Bob Pavlovich, IBEW 233, Butte
Keith Allen, IBEW 233, Butte
Colby Day, Kalispell IBEW
Don Judge, AFL-CIO

Opponents: David Ashley, Department of Administration
Angela Janacaro, Montana Contractors Association

Informational Witness: Gary Gilmore, Department of Transportation

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 6.2}

SENATOR DEBBIE SHEA, SD 18, BUTTE, stated the intent of this bill as being to increase health coverage for workers in Montana by requiring that successful bidders for state and local contracts buy health insurance for their employees. **EXHIBIT (bus38a01)**

Proponents' Testimony:

Bob Pavlovich, IBEW 233, Butte, said he concurs with the bill and with the amendments.

Keith Allen, IBEW 233, Butte, said he supports the bill and the amendments.

Colby Day, Kalispell IBEW 768, said he supports this bill.

Don Judge, AFL-CIO, said he supports this bill.

Opponents' Testimony:

David Ashley, Department of Administration, said he is an opponent, but a very gentle opponent. He said the problem is in requiring subcontractors to provide health insurance. He was concerned that if the subcontractor did not have insurance it might come back on the owner to be responsible for that.

Angela Janacaro, Montana Contractors Association, said she would hand in written testimony later.

Informational Witness: **Gary Gilmore, Department of Transportation** cautioned that they also have additional rules for being a responsible bidder, which includes more than just providing health insurance.

Questions from Committee Members and Responses:

SENATOR DALE MAHLUM asked if a small subcontractor who had only a few people in his employment would need health coverage.

Keith Allen said that is a concern with the drafters of the bill also.

SENATOR COCCHIARELLA asked if the amendments were in addition to what is already in practice.

Gary Gilmore replied he would like to add to the bill those requirement that are already in law such as being fiscally responsible and having the proper equipment and manpower to do the job.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 21.7}

SENATOR DEBBIE SHEA, SD 18, BUTTE, said she would work on the amendments over the next few days and get back to the committee.

EXECUTIVE ACTION ON SB 311

Motion/Vote: SEN. COCCHIARELLA moved that SB 311 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 383

Motion/Vote: SEN. COCCHIARELLA moved that SB 383 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 357

Motion/Vote: SEN. BUTCHER moved that SB 357 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 373

Motion/Vote: SEN. MAHLUM moved that SB 373 DO PASS. Motion carried unanimously.

ADJOURNMENT

Adjournment: 9:00 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus38aad)